IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3174 of 2005

Between:

Salepu ramanaji W/o.Srinivasa Rao
R/o.Palepuvanipalem Parawada Mandal, Visakhapatnam.

..... PETITIONER

AND

1 The Joint Collector, Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuing Proc. No. C.S.C. No.3/2005 Dt.11.1.2005 of the 2nd respondent suspending the authorisation to the petitioners Fair Price Shop No.30, Palepuvani Palem, Parawada Mandal, Visakhapatnam as highly illegal, arbitrary and unjustified with a direction to the Respondents to revoke the said proceedings No. CSC No.3/2005 Dt.11.1.2005 of the 2nd respondent and pass such other or further order or orders.

Counsel for the Petitioner: MR. M.V.S.SAI KUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard the learned counsel for the petitioner. Perused the material placed before me.

The petitioner challenges the proceedings in C S C No. 3/2005 dated 11-1-2005 of the 2nd respondent in suspending his authorization in respect of fair price shop No. 30 of Palepuvanipalem in Parawada Mandal of Visakhapatnam District on various grounds.

It appears that it was found by the appointing authority that the petitioner had resorted to various irregularities. However, the details of the alleged irregularities have not been disclosed in the impugned order. This sort of orders suspending the authorisation pending enquiry, which is permissible under the Control Order 2001 cannot in normal course be entertained by this Court while exercising jurisdiction under Art. 226 of The Constitution of India since several questions of fact would be involved.

However, an effective alternative remedy is provided under Clause 20 of the Control Order 2001. Of course a revision had also been provided thereafter. Therefore, the impugned order is an appealable one. Hence no interference of this Court is warranted.

However, the conspicuous fact to be noticed is that no show cause notice had apparently been issued to the petitioner by the appointing authority in view of the fact that the impugned action of suspension of the authorisation was initiated temporarily and pending further enquiry only. Therefore, the operation of the impugned order is suspended pending decision by the appellate authority.

With the above observations, the writ petition is disposed of at the stage of admission giving liberty to the petitioner to prefer an appeal before the appellate authority within one week from the date of receipt of a copy of this order and the appellate authority shall dispose of the appeal as expeditiously as possible, preferably, within six weeks from the date of filing of any such appeal. No costs.

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kvsn 28-02-2005

To

1 The Joint Collector, Visakhapatnam District, Visakhapatnam.

2 The Revenue Divisional Officer, Visakhapatnam District.

3 Two copies to the GP for Civil Supplies, High Court buildings, Hyderabad.

4 Two CDs.